

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks.

CLAIM REJECTIONS - 35 USC § 103

Claims 1, 3-5, 8 and 10-22 stand rejected under 35 USC § 103(a) as being unpatentable over Gortz et al. (US 6,629,183) in view of Hymel (US Pub. No. 2003/0220988). The present rejection is the seventh Office Action in which the claims of the present application have been rejected under 35 USC § 103 based upon Gortz et al. in combination with various other secondary references, including no fewer than five non-final Office Actions, each relying principally upon Gortz et al. in combination with a different secondary reference. The following is a brief summary of the file history of the present case beginning with the Office Action dated September 20, 2007.

1. September 20, 2007; a non-final Office Action is entered rejecting the claims under 35 USC § 103(a) as being obvious over Gortz et al. in view of Bramesfeld (US 6,140,593).

December 17, 2007; Applicant files a Response repeating previous arguments outlining the deficiencies in the Gortz et al. reference and disputing the Examiner's interpretation of the disclosure in Gortz et al. The Remarks also explain why Bramesfeld does not address the deficiencies in Gortz et al. In an effort to expedite prosecution, Applicant makes further amendments to the claims.

2. August 21, 2008; another non-final Office Action is entered rejecting the claims under 35 USC § 103(a) as being obvious over Gortz et al. in view of Nagasaka (US 7,010,756) and Bramesfeld.

October 21, 2008; Applicant files a Response again disputing the characterizations by the Examiner of the teachings of the Gortz et al. reference and explaining how Nagasaka and Bramesfeld fail to overcome these deficiencies. No substantive amendments are made to the claims.

3. March 25, 2009; the previous Office Action is made final.

June 25, 2009; Applicant files a Notice of Appeal together with a Pre-Appeal Brief Request for Review, repeating the arguments from the previous Response.

4. December 4, 2009; The final Office Action of March 25, 2009 is withdrawn and a new non-final Office Action entered rejecting the claims under 35 USC § 103(a) as being obvious over Gortz et al. in view of Wakefield (US 5,734,137). Despite withdrawal of the appeal, the Office Action repeats most of the same mischaracterizations of the Gortz et al. reference.

January 6, 2010; Applicant files a Response once again explaining the deficiencies in the Gortz et al. reference and why the Wakefield reference is essentially equivalent to the previously cited Bramesfeld reference and therefore no more relevant to the present invention than Bramesfeld. Again, no substantive amendments are made to the claims.

5. April 2, 2010; the present non-final Office Action is entered rejecting the claims under 35 USC § 103 (a) as being obvious over Gortz et al. in view of Hymel (US Pub. No. 2003/0220988).

Due to the fact that the present Office Action is the third consecutive non-final Office Action since the above-noted withdrawal of the previous appeal with each rejection based primarily upon the same Gortz et al. reference addressed in the Pre-Appeal Brief Review, in combination with a different but equally irrelevant secondary reference, Applicant's counsel contacted both the Examiner, Emem Stephen, and the Examiner's supervisor, Charles Appiah. Pursuant to these telephone conferences, it was conceded by Mr. Appiah that the Gortz et al. reference was being applied improperly.

With respect to the outstanding Office Action, the deficiencies of the Gortz et al. reference have been addressed extensively by Applicant in each of the previously noted Responses, as well as in the aforementioned Pre-Appeal Brief. These remarks/arguments are incorporated herein by reference.

With respect to the newly cited Hymel reference, this publication is directed to a method for enabling an electronic device, such as a laptop computer or video game console, to control or use an accessory device, such as a printer, scanner, or monitor. The Examiner characterizes Hymel as disclosing an operating device 110 comprising a holding unit with a number of operational control slots (Fig. 3, 320-340) each adapted to receive one of the operational control units (e.g. accessory device 120), and that the operational control units are interchangeably arranged in the slots of the holding device.

Firstly, Fig. 3 of Hymel comprises a very basic block diagram of an electronic device such as a laptop computer. Accordingly, there is no disclosure of a “holding unit with a number of operational control slots each adapted to receive one of the operational control units.” Moreover, the various ports 320-340 referenced by the Examiner are not operational control slots for physically receiving individual operational control units, but rather conventional I/O ports for simply electrically connecting to an accessory device.

“For example, the accessory device 120 may be operatively coupled to the communication port 320 to establish a wired communication link between the electronic device 110 and the accessory device 120. The communication port 320 may be, but is not limited to, a parallel port, a serial port, and a universal serial bus (USB) port.” (Hymel, p. 2, para. [0015].)

The implication that the above-quoted claim language can be “reasonably interpreted” to read upon a conventional laptop computer having a plurality of I/O ports for electrically connecting the computer to different accessory devices, is simply untenable. Moreover, this latest claim interpretation is not only wholly inconsistent with the clear import of the application and claims, but is also inconsistent with the Examiner’s previous interpretation of the claims as demonstrated by the citation and previous application of such references as Wakefield (US 5,734,137) and Bramesfeld et al. (US 6,140,593). Nonetheless, in an effort to expedite prosecution, Applicant has amended the claims to insert the word “physically” to distinguish from the simple electrical connection of a device via a connector. Applicant does not believe this amendment in any way changes the proper scope of the claims.

Accordingly, the Hymel reference does not obviate the deficiencies in the Gortz et al. reference. Therefore, pending Claims 1, 3-5 and 7-22 are believed to be in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

Dated: July 2, 2010

By: Christopher M. Brock
Christopher M. Brock
Reg. No. 27313

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

CMB/bh

15566010.1